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8 United States of America

9  
10 UNITED STATES DISTRICT COURT

11 FOR THE

12 NORTHERN DISTRICT OF CALIFORNIA

13 JOHN DOE, et al.,

14 Plaintiffs,

15 v.

Civil Action No. C-75-1212-CBR

16 JOHN McCONE, et al.,

17 Defendants.

AFFIDAVIT OF WILLIAM E. COLBY

18 WILLIAM E. COLBY, Director of Central Intelligence, being first duly  
19 sworn, deposes and says:

20 1. I was duly appointed by the President of the United States as the  
21 Director of Central Intelligence, and as such am the head of the Central  
22 Intelligence Agency (CIA). I assumed the Office of Director on September 4,  
23 1973 and continue to serve in that position. This affidavit is made on the basis  
24 of information obtained from review of CIA files, and reflects the institutional  
25 knowledge of the Agency.

26 2. The statutory authorities for and responsibilities of the Director of  
27 Central Intelligence and the CIA are contained in section 102 of the National  
28 Security Act of 1947, as amended (50 U.S.C. 403).

29 3. The CIA Soviet mail intercept program, which involved mail sent to  
30 and from the Soviet Union, was known by the codeword HTLINGUAL. The  
31 mail intercept program involved both mail covers, which consisted of photo-  
32 graphing the outside of selected envelopes or covers, and also the opening  
and photographing of selected envelopes and their contents. The inspection  
of this mail took place only in the State of New York. After envelopes were

1 photographed under the mail cover program, the sender and the addressees'  
2 names were cross-indexed and the names filed within a microfilm program.  
3 The information from letters which were opened was likewise indexed to  
4 identify the sender and the addressee together with other names contained  
5 in the letters. All names acquired from the Soviet mail intercept program  
6 were fed into this microfilm program. I am informed that the microfilm is  
7 indexed alphabetically so that it will identify any and all such letters when  
8 given the names of a sender or recipient of correspondence. I am further  
9 informed that no other comprehensive record of individuals whose mail to  
10 or from the U.S.S.R. was intercepted exists and that, therefore, a search of  
11 this program would be exhaustive. None of the activities with regard to the  
12 Soviet mail intercept program took place in the State of California.

13 4. Subsequent to the plaintiff in this suit being identified on December 19,  
14 1975 as Stephanie Kipperman, a general search of the files of the Central  
15 Intelligence Agency for materials relative to Stephanie Kipperman or  
16 Stephanie Probst was conducted. The only documents or information which  
17 were located as a result of that search consisted of correspondence which  
18 was commenced by a letter dated April 1, 1975 addressed to the Central  
19 Intelligence Agency from Steven M. Kipperman, counsel for the plaintiff.  
20 A copy of this letter is attached as Exhibit A. All other correspondence  
21 between Mr. Kipperman and the CIA, as well as two internal CIA memoranda  
22 relating thereto are attached hereto as Exhibits B, C, D, E, F, G, H, I, and  
23 J. Mr. Kipperman was advised by letter dated June 3, 1975 (Exhibit J hereto)  
24 that the Central Intelligence Agency had found no evidence that this Agency  
25 had opened any mail to or from Stephanie Kipperman.

26 5. In addition, I am informed that the program records which  
27 contain the names obtained from the mail intercept project HTLINGUAL were  
28 again specifically searched on December 22, 1975 under the names Stephanie  
29 Kipperman and Stephanie Probst. While I am not personally familiar with  
30 or knowledgeable about this search of the HTLINGUAL records, it is my  
31 understanding that this search was conducted under the supervision of the  
32 custodian, Ethel Mendoza. I am informed that this search concluded that no

1 letters addressed to or sent by Stephanie Kipperman to or from the Soviet  
2 Union were opened. The search of the same HTLINGUAL records also concluded  
3 that no mail cover was made of any letter addressed to or sent by Stephanie  
4 Kipperman.

5 6. I am informed that after a search of applicable CIA files, no  
6 administrative claim pursuant to the Federal Tort Claims Act has been received  
7 by the Central Intelligence Agency.

8 7. The HTLINGUAL mail intercept program conducted by the Central  
9 Intelligence Agency was terminated on February 17, 1973. The Central  
10 Intelligence Agency is not involved in any mail intercept or mail cover operations  
11 in the United States at this time.

12   
13 WILLIAM E. COLBY  
14 Director of Central Intelligence  
15 Washington, D.C. 20505

16 Subscribed and sworn to before me this 12 day of January 1976.

17   
18 Notary Public

19 My Commission expires 31 March 1979

## 5 EXECUTIVE SECRETARIAT

## Routing Slip

TO:		ACTION	INFO	DATE	INITIAL
1	DCI				
2	DDCI				
3	S/MC				
4	DDS&T				
5	DDI				
6	DDA				
7	DDO				
8	D/DCI/IC				
9	D/DCI/NIO				
10	GC	✓			
11	LC				
12	IG				
13	Compt				
14	D/Pers				
15	D/S				
16	DTR				
17	Asst/DCI				
18	AO/DCI				
19					
20					
21					
22					
SUSPENSE					
Date					

Remarks:

STAT INTL

3637 (1-75)

21 July  
Date